In re Appl. of Lamblin et al.
Application No. 10/582,126
Response to Office Action of January 5, 2009

REMARKS

The following remarks are responsive to the Office Action of January 5, 2009.

Claims 1-23 are currently pending in the application. Claims 1, 22, and 23 are amended. No new matter has been added. Claims 1-23 are rejected under 35 U.S.C. §112, second paragraph. Claim 1-23 are rejected under 35 U.S.C. §101. Applicants traverse the rejections and assert that the amended claims are allowable.

The applicants appreciate an indication that all claims are allowable over the prior art of record and would be allowed if amended to overcome the 35 U.S.C. §§ 112 and 101 rejections.

Claim Amendments

Support for the amendments to the claims can be found at least at Figures 1a and 1b as originally filed and the corresponding description, namely page 17, line 12 to page 18, line 36.

Claims 1-23 Satisfy 35 U.S.C. §112

Claims 1, 22, and 23 are amended to remove "where appropriate." Withdrawal of the rejections under 35 U.S.C. § 112 of claims 1-23 is requested.

35 U.S.C. §101

Claim 1-23 are directed towards statutory subject matter. Claims 1, 22, and 23 are amended to positively recite the transcoder performing the steps of the method. The independent method claims as amended now are tied to the transcoder which is a machine. In other words, the independent method claim is now tied to another statutory category. The method is carried out by the transcoder, and the independent claims now also recite two elements comprised in the transcoder, namely a decoder and a module. The interrelationship of these elements is also clearly explained in the independent claims. The claims now are clearly tied to a particular machine.

Useful, Concrete, and Tangible

Claims 1-23 are useful, concrete, and tangible. The Examiner argues that the claims are directed to a calculation of pulse positions of a signal and therefore are a mathematical

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calculation where the claims do not produce a useful, tangible and concrete result. However, clearly from the preamble of each independent claim, the claims relate to transcoding. As was explained in the description of the present application (page 9, line 31 to page 10, line 16), transcoding converts the frame to another format compatible with the remainder of the transmission system. Thus, before transcoding the frame is in a first format and after the transcoding the frame is in a second format. Clearly the second frame format is a useful, concrete, and tangible result.

In the independent claims groups may be formed, some pulse positions are selected and more importantly the selected pulse positions are sent to the second codec, the second codec being a different physical entity than the transcoder. This is further illustrated by Figures 1a and 1b. In the description part of the present application it was further explained that the first and second codecs can be two different coders or alternatively, the first codec is a coder whereas the second codec is a decoder (page 17, lines 8-11).

Claims 22 and 23

Claim 22 is amended to include "that when executed by the processor unit." Withdrawal of the rejection for allegedly not defining any structural and functional interrelationship between the computer program and other claimed elements of a computer is requested.

Claim 23 is amended to include "that when executed by the transcoder carry out." Withdrawal of the rejection for allegedly not defining any structural and functional interrelationship between the computer program and other claimed elements of a computer is requested.

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This application is believed to be in condition for allowance and early favorable action is requested. The Examiner is requested to call the undersigned attorney if that would be helpful in resolving any matters that might remain.

Respectfully submitted,

/brian c. rupp/

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Brian C. Rupp, Reg. No. 35,665
Gregory R. Grace, Reg. No. 59,733
DRINKER BIDDLE & REATH LLP
191 N. Wacker Drive, Suite 3700
Chicago, Illinois 60606-1698
(312) 569-1000 (telephone)
(312) 569-3000 (facsimile)
Customer No. 08968

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